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SQUERI & DAY, LLP

FD 36077
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James D. Squeri, Attorney at Law

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VIA E-FILING

Cynthia T. Brown
Chief of the Section of Administration
Office of Proceedings
Surface Transportation Board
395 E Street, SW
Washington, DC 20423-0001

Re: Docket No. FD
North Coast Railroad Authority and Northwestern Pacific Railroad
Company v. Sonoma-Marín Area Rail Transit District

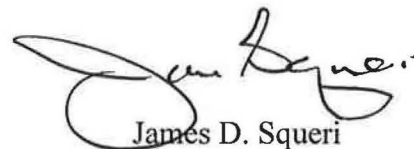
Dear Ms. Brown:

Enclosed for filing in the above-referenced docket, please find the motion of the City of American Canyon and American Canyon Fire Protection District (collectively "American Canyon") for an extension of the procedural schedule.

Please do not hesitate to contact me with any questions.

Very truly yours,

GOODIN, MACBRIDE,
SQUERI & DAY, LLP



James D. Squeri

Enclosures

**BEFORE THE
SURFACE TRANSPORTATION BOARD**

DOCKET No. FD 36077

**NORTH COAST RAILROAD AUTHORITY AND
NORTHWESTERN PACIFIC RAILROAD COMPANY v. SONOMA-
MARIN AREA RAIL TRANSIT DISTRICT**

**MOTION OF THE CITY OF AMERICAN CANYON AND
AMERICAN CANYON FIRE PROTECTION DISTRICT FOR
EXTENSION OF THE PROCEDURAL SCHEDULE**

William D. Ross
LAW OFFICES OF WILLIAM D. ROSS
400 Lambert Avenue
Palo Alto, California 94306
Telephone: (650) 843-8080
Facsimile: (650) 843-8093

James D. Squeri
Megan Somogyi
GOODIN, MACBRIDE,
SQUERI & DAY, LLP
505 Sansome Street, Suite 900
San Francisco, California 94111
Telephone: (415) 392-7900
Facsimile: (415) 398-4321

*Attorneys for the City of American Canyon
and American Canyon Fire Protection District*

Dated: November 28, 2016

**BEFORE THE
SURFACE TRANSPORTATION BOARD**

DOCKET No. FD 36077

**NORTH COAST RAILROAD AUTHORITY AND
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EXTENSION OF THE PROCEDURAL SCHEDULE**

The City of American Canyon and the American Canyon Fire Protection District (collectively “American Canyon”) declare their support for the Motion of Sonoma-Marine Area Rail Transit District for extension of the procedural schedule and submit a Motion for the same relief under 49 C.F.R. § 1104.7(b).

In their November 23, 2016 Brief in Support of Petition for Declaratory Order (“Railroad’s Brief”), the North Coast Railroad Authority and Northwestern Pacific Railroad Company claim the 12 tank cars filled with liquid petroleum gas that were stranded on a rail siding located in the City of American Canyon have been moved off the siding and transported to their ultimate destination.

Railroad’s Brief at 4. The Railroad also states its intention to move tank cars filled with “summer blend” liquid petroleum gas through the interchange at issue in this proceeding and store those cars at the Schelville yard in spring 2017.

Railroad’s Brief at 4–5 and n. 2. This storage and staging is ideal, the Railroad claims, because “the tracks have already achieved FRA approval, the location is near the interchange, and the surrounding area is rural and virtually unpopulated.”

Railroad’s Brief at 12. This bald statement is not sufficient to show the Railroad is meeting its common carrier obligations with respect to hazardous materials.

The common carrier obligation under 49 U.S.C. § 11101 extends to transportation of hazardous materials, including liquid petroleum gas, provided a federal agency has promulgated comprehensive safety-related regulations for that material. *Riffin v. Surface Transportation Board*, 733 F. 3d 340, 346 (D.C. Cir. 2013). While the Federal Railroad Administration and Pipeline and Hazardous Materials Safety Administration have promulgated such regulations for liquid petroleum gas, the Railroad's claim that the "tracks have already achieved FRA approval" does not provide any factual basis on which compliance with the safety regulations can be determined. Moreover, increased transportation of hazardous materials over a rail line or segment thereof requires implementation of certain safety measures, including installation of train defect detectors, developing and distributing local hazardous material emergency response plans, conducting required train inspections, and conducting simulated emergency response drills with local emergency response organizations. *CSX Corporation and CSX Transportation, Inc. et al.*, 3 S.T.B. 196 (STB served July 20, 1998) (1998 STB LEXIS 1559) at * 364. The Railroad began transporting liquid petroleum gas on the line segment at issue in July 2016, and American Canyon is not aware of any efforts by the Railroad to meet the increased safety obligations imposed by this increased transportation of hazardous materials.

American Canyon has observed since November 1, 2016, from 12 to 41 liquid petroleum gas (pressured rail cars) on the three-track rail siding immediately to the west of State Route 29. The number of rail cars present at that location varies within a 24-hour period and day-to-day. Inquiries to California Northern Railroad concerning the continuing presence of the rail cars have not been responded to, including any increased safety measures for the concerned area. The area where the rail cars are located is not secured. American Canyon is the water provider in the area described and there are no oversize water main hydrants located on the railroad area.

The lack of evidence in the record prevents American Canyon from properly responding to the safety issues related to the Railroad's common carrier obligation, or the safety implications of SMART's refusal to issue track warrants

for the cars containing liquid petroleum gas, both of which lie at the heart of this contract dispute. In order to determine the level of risk posed by transportation and storage of cars containing liquid petroleum gas, American Canyon wishes to serve discovery on the Railroad to explore its safety compliance plans and practices. As Commissioner Begeman noted in the Board's October 21 Decision, the continued presence of the hazmat cars on the line raises serious questions about the possibility of a serious accident. October 21 Decision at 5.

American Canyon respectfully submits that good cause exists to grant the motions to extend the procedural schedule to allow for discovery. *E.g., Arkansas Electric Cooperative Corp. – Petition for Declaratory Order*, STB Finance Docket 35035, slip op at 2 (STB served May 11, 2010). The Railroad has not provided adequate information to allow the Board to determine if the increased shipments and storage of liquid petroleum gas on the line and at the Schellville yard are consistent with the Railroad's common carrier obligation. American Canyon supports the January 9, 2017 date requested by SMART as the due date to file reply briefs.

Respectfully submitted,

Dated: November 28, 2016

James D. Squeri
Megan Somogyi
GOODIN, MACBRIDE,
SQUERI & DAY, LLP
505 Sansome Street, Suite 900
San Francisco, CA 94111

By: 
James D. Squeri

William D. Ross
LAW OFFICES OF WILLIAM D. ROSS
400 Lambert Avenue
Palo Alto, California 94306
Telephone: (650) 843-8080
Facsimile: (650) 843-8093

*Attorneys for the City of American Canyon
and American Canyon Fire Protection District*

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Certificate of Service

I hereby certify that the foregoing Motion for Extension of the Procedural Schedule was served via first-class US mail, postage prepaid, upon:

Justin J. Marks
Kevin M. Sheys
Edward J. Fishman
Nossamon LLP
1666 K Street NW, Suite 500
Washington, DC 20006

Tom Lyons
General Counsel
Sonoma-Marín Area Rail Transit District
5401 Old Redwood Highway, Second Floor
Petaluma, CA 94954

Christopher J. Neary
110 South Main Street, Suite C
Willits, CA 95490

Douglas H. Bosco
Law Office of Douglas Bosco
3558 Round Barn Blvd., Suite 201
Santa Rosa, CA 95403

Jeffery M. Richard
Chief Deputy
1195 Third Street, Suite 301
Napa, CA 94559

Federal Railroad Administration
Chief Counsel
1200 New Jersey Avenue, SE
Washington, DC 20590



Wendy Peña

Dated: November 28, 2016